

REMARKS

Reconsideration of the above identified application is respectfully requested.

Claims 9 to 15 have now been amended to obviate the objections and rejections interposed by the Examiner.

The Examiner objected to the drawings because the drawings did not show every feature claimed. Claim 9 has been amended to delete the phrase “and raised” so that the drawings now show the features set forth in the claims.

The Examiner rejected claims 9 to 15 under 35 U.S.C. § 112 as failing to comply with the written description requirement. As noted above, claim 9 has been amended to delete the phrase “and raised” and it is now believed that this rejection under 35 U.S.C. § 112 has been obviated.

The Examiner also rejected claims 9 to 15 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As is noted above, claim 9 has been amended to remove the phrase “and raised.” Similarly the addition of the phrase “of the pouches” to modify bottom side has clarified another question raised by the Examiner.

Claim 13 has been amended to provide proper antecedent basis and claim 15 has been amended to delete the word “particular” which the Examiner questioned.

In addition, claim 14 has been amended to depend on claim 12 so that there is no discrepancy between what is claimed in claim 14 and what is claimed in claim 13.

The Examiner also rejected claims 9 and 11-15 under 35 U.S.C. § 102(b) as being anticipated by Snyder (3,954,165). This rejection is respectfully traversed.

Snyder discloses an apparatus for collating and moving into a storage container (38) a number of articles from a conveying system. Snyder does not teaching picking up the pouches with a gripper mechanism having finger-like gripper elements arranged in a substantially comb-like manner wherein the gripper elements are moved by an extensible piston member. What Snyder discloses is a plurality of extending elements (96) which are loading pushers with an article engaging end 99 to push the plurality of articles off the conveying system and not engage the articles “between adjacent longitudinal sides of adjacent pouches” as positively recited in claim 9. The description of this procedure is in Snyder, column 6, lines 44-69.

Thus, Snyder fails to teach or suggest the elements now positively recited in claims 9 and 11 through 15.

The Examiner also rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Snyder stating that it would have been an obvious design choice to provide more than two grippers on to Snyder's device in order to grip more pouches. As set forth above, Snyder fails to teach or suggest what is now positively recited in main claim 5 and, thus, it would not have been obvious to provide more than two grippers as set forth by the Examiner.

Conclusion

Accordingly, in view of the above amendments and remarks, favorable reconsideration and allowance of the application is respectfully requested.

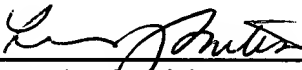
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

Applicant requests a three month extension of time in which to file this Amendment. Enclosed is our check in the amount of \$1020.00 the requisite fee for the three-month extension of time. The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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